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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL ANTHONY TREVINO,

Defendant.

No. CR 18-335-AB-09

PLEA AGREEMENT FOR DEFENDANT 9
MICHAEL ANTHONY TREVINO

1. This constitutes the plea agreement between defendant MICHAEL ANTHONY TREVINO ("defendant") and the United States Attorney's Office for the Central District of California (the "USAO") in the above-captioned case. This agreement is limited to the USAO and cannot bind any other federal, state, local, or foreign prosecuting, enforcement, administrative, or regulatory authority.

DEFENDANT'S OBLIGATIONS

2. Defendant agrees to:

1 a. At the earliest opportunity requested by the USAO and
2 provided by the Court, appear and plead guilty to count one of the
3 superseding indictment in United States v. Jose Leonel Payan Castillo
4 et al., CR No. 18-335-AB, which charges defendant with Conspiracy to
5 Distribute and to Possess with Intent to Distribute Controlled
6 Substances, in violation of 21 U.S.C. § 846.

7 b. Not contest facts agreed to in this agreement.

8 c. Abide by all agreements regarding sentencing contained
9 in this agreement.

10 d. Appear for all court appearances, surrender as ordered
11 for service of sentence, obey all conditions of any bond, and obey
12 any other ongoing court order in this matter.

13 e. Agree that all court appearances, including his
14 change-of-plea hearing and sentencing hearing, may proceed by video-
15 teleconference ("VTC") or telephone, if VTC is not reasonably
16 available, so long as such appearances are authorized by Order of the
17 Chief Judge 20-043 or another order, rule, or statute. Defendant
18 understands that, under the United States Constitution, the United
19 States Code, and the Federal Rules of Criminal Procedure (including
20 Rules 11, 32, and 43), he may have the right to be physically present
21 at these hearings. Defendant understands that right and, after
22 consulting with counsel, voluntarily agrees to waive it and to
23 proceed remotely. Defense counsel also joins in this consent,
24 agreement, and waiver. Specifically, this agreement includes, but is
25 not limited to, the following:

26 i. Defendant consents under Federal Rules of
27 Criminal Procedure 5(f) and 10(c) and Section 15002(b) of the CARES
28

1 Act to proceed with his initial appearance and arraignment by VTC or
2 telephone, if VTC is not reasonably available.

3 ii. Defendant consents under Section 15002(b) of the
4 CARES Act to proceed with his waiver of indictment, under Federal
5 Rule of Criminal Procedure 7(b), by VTC or telephone, if VTC is not
6 reasonably available.

7 iii. Defendant consents under Section 15002(b) of the
8 CARES Act to proceed with his change-of-plea hearing by VTC or
9 telephone, if VTC is not reasonably available.

10 iv. Defendant consents under Section 15002(b) of the
11 CARES Act to proceed with his sentencing hearing by VTC or telephone,
12 if VTC is not reasonably available.

13 v. Defendant consents under 18 U.S.C. § 3148 and
14 Section 15002(b) of the CARES Act to proceed with any hearing
15 regarding alleged violations of the conditions of pretrial release by
16 VTC or telephone, if VTC is not reasonably available.

17 f. Not commit any crime or any act constituting
18 obstruction of justice; however, offenses that would be excluded for
19 sentencing purposes under United States Sentencing Guidelines
20 ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not within the
21 scope of this agreement.

22 g. Be truthful at all times with the United States
23 Probation and Pretrial Services Office and the Court.

24 h. Pay the applicable special assessment at or before the
25 time of sentencing unless defendant has demonstrated a lack of
26 ability to pay such assessments.

27 THE USAO'S OBLIGATIONS

28 3. The USAO agrees to:

1 a. Not contest facts agreed to in this agreement.

2 b. Abide by all agreements regarding sentencing contained
3 in this agreement.

4 c. At the time of sentencing, move to dismiss the
5 remaining count of the indictment as against defendant. Defendant
6 agrees, however, that at the time of sentencing the Court may
7 consider any dismissed charge in determining the applicable
8 Sentencing Guidelines range, the propriety and extent of any
9 departure from that range, and the sentence to be imposed.

10 d. At the time of sentencing, provided that defendant
11 demonstrates an acceptance of responsibility for the offense up to
12 and including the time of sentencing, recommend a two-level reduction
13 in the applicable Sentencing Guidelines offense level, pursuant to
14 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an
15 additional one-level reduction if available under that section.

16 e. Because the justice system is facing an unprecedented
17 crisis through the backlog of cases, the parties agree that the
18 defendant is entitled to a two-level variance as recognition of
19 defendant's early acceptance of responsibility, which will lessen the
20 burden on the court system by: (1) waiving any right to presence and
21 pleading guilty at the earliest opportunity by VTC (or telephone, if
22 VTC is not reasonably available); (2) waiving any right to presence
23 and agreeing to be sentenced by VTC (or telephone, if VTC is not
24 reasonably available) should the Central District of California's
25 General Order allow for it; (3) agreeing to appear at all other times
26 by VTC or telephone; and (4) waiving all appellate rights.

27 f. Recommend that defendant be sentenced to a term of
28 imprisonment no higher than the low end of the applicable Sentencing

1 Guidelines range, provided that the offense level used by the Court
2 to determine that range is 20 or higher, and provided that the Court
3 does not depart downward in offense level or criminal history
4 category. For purposes of this agreement, the low end of the
5 Sentencing Guidelines range is that defined by the Sentencing Table
6 in U.S.S.G. Chapter 5, Part A.

7 g. Should the Court sentence defendant to a term of
8 imprisonment, recommend that defendant not be required to self-
9 surrender to serve his sentence until on or after February 1, 2021,
10 unless defendant violates the conditions of his bond.

11 NATURE OF THE OFFENSE

12 4. Defendant understands that for defendant to be guilty of
13 the crime charged in count one, that is, Conspiracy to Distribute and
14 to Possess with Intent to Distribute Controlled Substances, in
15 violation of 21 U.S.C. § 846, the following must be true:

16 (1) Beginning on an unknown date and continuing to on or about
17 May 31, 2018, there was an agreement between two or more persons
18 to distribute and to possess with intent to distribute a
19 controlled substance; and

20 (2) Defendant joined in the agreement knowing of its purpose and
21 intending to help accomplish that purpose.

22 5. Defendant understands that for defendant to be subject to
23 the statutory maximum and statutory minimum sentences set forth
24 below, the government must prove beyond a reasonable doubt that
25 defendant conspired to distribute and to possess with intent to
26 distribute at least five kilograms of a mixture or substance
27 containing a detectable amount of cocaine. Defendant admits that
28 defendant, in fact, conspired to distribute and to possess with

1 intent to distribute at least five kilograms of cocaine, a Schedule
2 II narcotic drug controlled substance, as described in count one of
3 the indictment.

4 PENALTIES

5 6. Defendant understands that the statutory maximum sentence
6 that the Court can impose for a violation of 21 U.S.C. § 846, as
7 charged in count one pursuant to indictment pursuant to 21 U.S.C.
8 § 841(a)(1), (b)(1)(A)(ii), is: life imprisonment; a lifetime period
9 of supervised release; a fine of \$10,000,000 or twice the gross gain
10 or gross loss resulting from the offense, whichever is greatest; and
11 a mandatory special assessment of \$100.

12 7. Defendant understands that, absent a determination by the
13 Court that defendant's case satisfies the criteria set forth in 18
14 U.S.C. § 3553(f) and U.S.S.G. § 5C1.2, the statutory mandatory
15 minimum sentence that the Court must impose for a violation of 21
16 U.S.C. § 846, as charged in count one pursuant to § 841(a)(1),
17 (b)(1)(A)(ii), is: a term of 10 years imprisonment and a 5-year
18 period of supervised release.

19 8. Defendant understands that under 21 U.S.C. § 862a,
20 defendant will not be eligible for assistance under state programs
21 funded under the Social Security Act or Federal Food Stamp Act or for
22 federal food stamp program benefits, and that any such benefits or
23 assistance received by defendant's family members will be reduced to
24 reflect defendant's ineligibility.

25 9. Defendant understands that supervised release is a period
26 of time following imprisonment during which defendant will be subject
27 to various restrictions and requirements. Defendant understands that
28 if defendant violates one or more of the conditions of any supervised

1 release imposed, defendant may be returned to prison for all or part
2 of the term of supervised release authorized by statute for the
3 offense that resulted in the term of supervised release.

4 10. Defendant understands that, by pleading guilty, defendant
5 may be giving up valuable government benefits and valuable civic
6 rights, such as the right to vote, the right to possess a firearm,
7 the right to hold office, and the right to serve on a jury. Defendant
8 understands that he is pleading guilty to a felony and that it is a
9 federal crime for a convicted felon to possess a firearm or
10 ammunition. Defendant understands that the conviction in this case
11 may also subject defendant to various other collateral consequences,
12 including but not limited to revocation of probation, parole, or
13 supervised release in another case and suspension or revocation of a
14 professional license. Defendant understands that unanticipated
15 collateral consequences will not serve as grounds to withdraw
16 defendant's guilty plea.

17 11. Defendant and his counsel have discussed the fact that, and
18 defendant understands that, if defendant is not a United States
19 citizen, the conviction in this case makes it practically inevitable
20 and a virtual certainty that defendant will be removed or deported
21 from the United States. Defendant may also be denied United States
22 citizenship and admission to the United States in the future.
23 Defendant understands that while there may be arguments that
24 defendant can raise in immigration proceedings to avoid or delay
25 removal, removal is presumptively mandatory and a virtual certainty
26 in this case. Defendant further understands that removal and
27 immigration consequences are the subject of a separate proceeding and
28 that no one, including his attorney or the Court, can predict to an

1 absolute certainty the effect of his conviction on his immigration
2 status. Defendant nevertheless affirms that he wants to plead guilty
3 regardless of any immigration consequences that his plea may entail,
4 even if the consequence is automatic removal from the United States.

5 FACTUAL BASIS

6 12. Defendant admits that defendant is, in fact, guilty of the
7 offense to which defendant is agreeing to plead guilty. Defendant
8 and the USAO agree to the statement of facts provided below and agree
9 that this statement of facts is sufficient to support a plea of
10 guilty to the charge described in this agreement and to establish the
11 Sentencing Guidelines factors set forth in paragraph 14 below but is
12 not meant to be a complete recitation of all facts relevant to the
13 underlying criminal conduct or all facts known to either party that
14 relate to that conduct.

15 Beginning on a date on or before September 7, 2016, and
16 continuing through on or about May 31, 2018, there was an agreement
17 between defendant and codefendants JOSE LEONEL PAYAN-CASTILLO and
18 RALPHEE, and others, to knowingly distribute cocaine, and to
19 knowingly possess with intent to distribute cocaine, within the
20 Central District of California and elsewhere. Intending to help
21 accomplish the purpose of the conspiracy, defendant knowingly
22 conspired to distribute and to possess with intent to distribute at
23 least five kilograms of cocaine. For example, on September 7, 2016,
24 in furtherance of the conspiracy and at the direction of a co-
25 conspirator, defendant agreed to transport, and then knowingly
26 transported, approximately 7.87 kilograms of cocaine intended for
27 further distribution. That day, PAYAN-CASTILLO and RALPHEE, using
28 coded language, exchanged electronic messages indicating that

1 defendant would receive approximately eight kilograms of cocaine.
 2 Also that day, in Los Angeles County, defendant met an unindicted co-
 3 conspirator in a parking lot, and knowingly received an "Idaho
 4 Potatoes" box containing eight bricks of cocaine, each wrapped in
 5 black electrical tape. Defendant placed the cocaine in his car,
 6 where law enforcement found it when they conducted a traffic stop
 7 shortly thereafter. Electronic messages exchanged between PAYAN-
 8 CASTILLO and RALPHEE confirmed that defendant had been arrested and
 9 the cocaine had been seized. At all relevant times, defendant knew
 10 that he possessed distribution quantities of illegal drugs.

11 SENTENCING FACTORS

12 13. Defendant understands that in determining defendant's
 13 sentence the Court is required to calculate the applicable Sentencing
 14 Guidelines range and to consider that range, possible departures
 15 under the Sentencing Guidelines, and the other sentencing factors set
 16 forth in 18 U.S.C. § 3553(a). Defendant understands that the
 17 Sentencing Guidelines are advisory only, that defendant cannot have
 18 any expectation of receiving a sentence within the calculated
 19 Sentencing Guidelines range, and that after considering the
 20 Sentencing Guidelines and the other § 3553(a) factors, the Court will
 21 be free to exercise its discretion to impose any sentence it finds
 22 appropriate between the mandatory minimum and up to the maximum set
 23 by statute for the crime of conviction.

24 14. Defendant and the USAO agree to the following applicable
 25 Sentencing Guidelines factors:

26 Base Offense Level:	30	U.S.S.G. § 2D1.1(c)(5)
27 Mitigating Role:	-3	U.S.S.G. § 3B1.2

1 Defendant and the USAO reserve the right to argue that additional
2 specific offense characteristics, adjustments, and departures under
3 the Sentencing Guidelines are appropriate. Defendant understands
4 that defendant's offense level could be increased if defendant is a
5 career offender under U.S.S.G. §§ 4B1.1 and 4B1.2. If defendant's
6 offense level is so altered, defendant and the USAO will not be bound
7 by the agreement to Sentencing Guideline factors set forth above.

8 15. Defendant and the USAO agree that:

9 a. Defendant did not use violence or credible threats of
10 violence or possess a firearm or other dangerous weapon (or induce
11 another participant to do so) in connection with the offense charged
12 in count one;

13 b. The offense charged in count one did not result in
14 death or serious bodily injury to any person; and

15 c. Defendant was not an organizer, leader, manager, or
16 supervisor of others in the offense charged in count one and was not
17 engaged in a continuing criminal enterprise.

18 16. Defendant understands that there is no agreement as to
19 defendant's criminal history or criminal history category.

20 17. Defendant and the USAO reserve the right to argue for a
21 sentence outside the sentencing range established by the Sentencing
22 Guidelines based on the factors set forth in 18 U.S.C. § 3553(a)(1),
23 (a)(2), (a)(3), (a)(6), and (a)(7).

24 WAIVER OF CONSTITUTIONAL RIGHTS

25 18. Defendant understands that by pleading guilty, defendant
26 gives up the following rights:

27 a. The right to persist in a plea of not guilty.

28 b. The right to a speedy and public trial by jury.

1 c. The right to be represented by counsel -- and if
2 necessary have the Court appoint counsel -- at trial. Defendant
3 understands, however, that, defendant retains the right to be
4 represented by counsel -- and if necessary have the Court appoint
5 counsel -- at every other stage of the proceeding.

6 d. The right to be presumed innocent and to have the
7 burden of proof placed on the government to prove defendant guilty
8 beyond a reasonable doubt.

9 e. The right to confront and cross-examine witnesses
10 against defendant.

11 f. The right to testify and to present evidence in
12 opposition to the charges, including the right to compel the
13 attendance of witnesses to testify.

14 g. The right not to be compelled to testify, and, if
15 defendant chose not to testify or present evidence, to have that
16 choice not be used against defendant.

17 h. Any and all rights to pursue any affirmative defenses,
18 Fourth Amendment or Fifth Amendment claims, and other pretrial
19 motions that have been filed or could be filed.

20 WAIVER OF APPEAL OF CONVICTION

21 19. Defendant understands that, with the exception of an appeal
22 based on a claim that defendant's guilty plea was involuntary, by
23 pleading guilty defendant is waiving and giving up any right to
24 appeal defendant's conviction on the offense to which defendant is
25 pleading guilty. Defendant understands that this waiver includes,
26 but is not limited to, arguments that the statute to which defendant
27 is pleading guilty is unconstitutional, and any and all claims that
28

1 the statement of facts provided herein is insufficient to support
2 defendant's plea of guilty.

3 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

4 20. Defendant gives up the right to appeal all of the
5 following: (a) the procedures and calculations used to determine and
6 impose any portion of the sentence; (b) the term of imprisonment
7 imposed by the Court, provided it is no more than the high-end of the
8 Sentencing Guidelines range calculated by the Court; (c) the fine
9 imposed by the Court, provided it is within the statutory maximum;
10 (d) to the extent permitted by law, the constitutionality or legality
11 of defendant's sentence, provided it is within the statutory maximum;
12 (e) the term of probation or supervised release imposed by the Court,
13 provided it is within the statutory maximum; and (f) any of the
14 following conditions of probation or supervised release imposed by
15 the Court: the conditions set forth in General Order 20-04 of this
16 Court; the drug testing conditions mandated by 18 U.S.C.
17 §§ 3563(a)(5) and 3583(d); and the alcohol and drug use conditions
18 authorized by 18 U.S.C. § 3563(b)(7).

19 21. Defendant also gives up any right to bring a post-
20 conviction collateral attack on the conviction or sentence, except a
21 post-conviction collateral attack based on a claim of ineffective
22 assistance of counsel or an explicitly retroactive change in the
23 applicable Sentencing Guidelines, sentencing statutes, or statutes of
24 conviction. Defendant understands that this waiver includes, but is
25 not limited to, arguments that the statute to which defendant is
26 pleading guilty is unconstitutional, that newly discovered evidence
27 purportedly supports defendant's innocence, and any and all claims
28

1 that the statement of facts provided herein is insufficient to
2 support defendant's plea of guilty.

3 22. The USAO agrees that, provided all portions of the sentence
4 are at or above the statutory minimum and at or below the statutory
5 maximum specified above, the USAO gives up its right to appeal any
6 portion of the sentence.

7 RESULT OF WITHDRAWAL OF GUILTY PLEA

8 23. Defendant agrees that if, after entering a guilty plea
9 pursuant to this agreement, defendant seeks to withdraw and succeeds
10 in withdrawing defendant's guilty plea on any basis other than a
11 claim and finding that entry into this plea agreement was
12 involuntary, then (a) the USAO will be relieved of all of its
13 obligations under this agreement; and (b) should the USAO choose to
14 pursue any charge that was either dismissed or not filed as a result
15 of this agreement, then (i) any applicable statute of limitations
16 will be tolled between the date of defendant's signing of this
17 agreement and the filing commencing any such action; and
18 (ii) defendant waives and gives up all defenses based on the statute
19 of limitations, any claim of pre-indictment delay, or any speedy
20 trial claim with respect to any such action, except to the extent
21 that such defenses existed as of the date of defendant's signing this
22 agreement.

23 RESULT OF VACATUR, REVERSAL OR SET-ASIDE

24 24. Defendant agrees that if the count of conviction is
25 vacated, reversed, or set aside, both the USAO and defendant will be
26 released from all their obligations under this agreement.

EFFECTIVE DATE OF AGREEMENT

25. This agreement is effective upon signature and execution of all required certifications by defendant, defendant's counsel, and an Assistant United States Attorney.

BREACH OF AGREEMENT

26. Defendant agrees that if defendant, at any time after the signature of this agreement and execution of all required certifications by defendant, defendant's counsel, and an Assistant United States Attorney, knowingly violates or fails to perform any of defendant's obligations under this agreement ("a breach"), the USAO may declare this agreement breached. All of defendant's obligations are material, a single breach of this agreement is sufficient for the USAO to declare a breach, and defendant shall not be deemed to have cured a breach without the express agreement of the USAO in writing. If the USAO declares this agreement breached, and the Court finds such a breach to have occurred, then: (a) if defendant has previously entered a guilty plea pursuant to this agreement, defendant will not be able to withdraw the guilty plea, and (b) the USAO will be relieved of all its obligations under this agreement.

27. Following the Court's finding of a knowing breach of this agreement by defendant, should the USAO choose to pursue any charge that was either dismissed or not filed as a result of this agreement, then:

a. Defendant agrees that any applicable statute of limitations is tolled between the date of defendant's signing of this agreement and the filing commencing any such action.

b. Defendant waives and gives up all defenses based on the statute of limitations, any claim of pre-indictment delay, or any

1 speedy trial claim with respect to any such action, except to the
2 extent that such defenses existed as of the date of defendant's
3 signing this agreement.

4 c. Defendant agrees that: (i) any statements made by
5 defendant, under oath, at the guilty plea hearing (if such a hearing
6 occurred prior to the breach); (ii) the agreed to factual basis
7 statement in this agreement; and (iii) any evidence derived from such
8 statements, shall be admissible against defendant in any such action
9 against defendant, and defendant waives and gives up any claim under
10 the United States Constitution, any statute, Rule 410 of the Federal
11 Rules of Evidence, Rule 11(f) of the Federal Rules of Criminal
12 Procedure, or any other federal rule, that the statements or any
13 evidence derived from the statements should be suppressed or are
14 inadmissible.

15 COURT AND UNITED STATES PROBATION AND PRETRIAL SERVICES

16 OFFICE NOT PARTIES

17 28. Defendant understands that the Court and the United States
18 Probation and Pretrial Services Office are not parties to this
19 agreement and need not accept any of the USAO's sentencing
20 recommendations or the parties' agreements to facts or sentencing
21 factors.

22 29. Defendant understands that both defendant and the USAO are
23 free to: (a) supplement the facts by supplying relevant information
24 to the United States Probation and Pretrial Services Office and the
25 Court, (b) correct any and all factual misstatements relating to the
26 Court's Sentencing Guidelines calculations and determination of
27 sentence, and (c) argue on appeal and collateral review that the
28 Court's Sentencing Guidelines calculations and the sentence it

1 chooses to impose are not error, although each party agrees to
2 maintain its view that the calculations in paragraph 14 are
3 consistent with the facts of this case. While this paragraph permits
4 both the USAO and defendant to submit full and complete factual
5 information to the United States Probation and Pretrial Services
6 Office and the Court, even if that factual information may be viewed
7 as inconsistent with the facts agreed to in this agreement, this
8 paragraph does not affect defendant's and the USAO's obligations not
9 to contest the facts agreed to in this agreement.

10 30. Defendant understands that even if the Court ignores any
11 sentencing recommendation, finds facts or reaches conclusions
12 different from those agreed to, and/or imposes any sentence up to the
13 maximum established by statute, defendant cannot, for that reason,
14 withdraw defendant's guilty plea, and defendant will remain bound to
15 fulfill all defendant's obligations under this agreement. Defendant
16 understands that no one -- not the prosecutor, defendant's attorney,
17 or the Court -- can make a binding prediction or promise regarding
18 the sentence defendant will receive, except that it will be between
19 the statutory mandatory minimum and the statutory maximum.

20 NO ADDITIONAL AGREEMENTS

21 31. Defendant understands that, except as set forth herein,
22 there are no promises, understandings, or agreements between the USAO
23 and defendant or defendant's attorney, and that no additional
24 promise, understanding, or agreement may be entered into unless in a
25 writing signed by all parties or on the record in court.

26 ///

27 ///

28 ///

PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

32. The parties agree that this agreement will be considered part of the record of defendant's guilty plea hearing as if the entire agreement had been read into the record of the proceeding.

AGREED AND ACCEPTED

UNITED STATES ATTORNEY'S OFFICE
FOR THE CENTRAL DISTRICT OF
CALIFORNIA

NICOLA T. HANNA
United States Attorney

A. Carley Palmer
A. CARLEY PALMER/
BENEDETTO L. BALDING
Assistant United States Attorneys

9/30/20

Date

MA
MICHAEL ANTHONY TREVINO
Defendant

9/30/20
Date

Victor Sherman
VICTOR SHERMAN
Attorney for Defendant
MICHAEL ANTHONY TREVINO

9/30/20
Date

CERTIFICATION OF DEFENDANT

I have read this agreement in its entirety. I have had enough time to review and consider this agreement, and I have carefully and thoroughly discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. I have discussed the evidence with my attorney, and my attorney has advised me of my rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a),

1 of relevant Sentencing Guidelines provisions, and of the consequences
2 of entering into this agreement. No promises, inducements, or
3 representations of any kind have been made to me other than those
4 contained in this agreement. No one has threatened or forced me in
5 any way to enter into this agreement. I am satisfied with the
6 representation of my attorney in this matter, and I am pleading
7 guilty because I am guilty of the charge and wish to take advantage
8 of the promises set forth in this agreement, and not for any other
9 reason.

10 
11 MICHAEL ANTHONY TREVINO
12 Defendant

13 
14 Date

15 CERTIFICATION OF DEFENDANT'S ATTORNEY

16 I am defendant MICHAEL ANTHONY TREVINO's attorney. I have
17 carefully and thoroughly discussed every part of this agreement with
18 my client. Further, I have fully advised my client of his rights, of
19 possible pretrial motions that might be filed, of possible defenses
20 that might be asserted either prior to or at trial, of the sentencing
21 factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing
22 Guidelines provisions, and of the consequences of entering into this
23 agreement. To my knowledge: no promises, inducements, or
24 representations of any kind have been made to my client other than
25 those contained in this agreement; no one has threatened or forced my
26 client in any way to enter into this agreement; my client's decision
27 to enter into this agreement is an informed and voluntary one; and
28 the factual basis set forth in this agreement is sufficient to

1 support my client's entry of a guilty plea pursuant to this
2 agreement.

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4 VICTOR SHERMAN
Attorney for Defendant
5 MICHAEL ANTHONY TREVINO

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Date